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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,756	11/28/2000	David C. Wilkins	DIGIP024	8449

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PATENT LEGAL STAFF
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EXAMINER

DASTOURI, MEHRDAD

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 02/20/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,756

Applicant(s)

WILKINS ET AL.

Examiner

Mehrdad Dastouri

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicants' amendment filed December 2, 2003, has been entered and made of record.
2. Request for a new oath or declaration has been withdrawn in view of Applicants' remark, and lack of claiming priority to U.S. Provisional Application 60/128,880.
3. Objection to the specification has been withdrawn in view of Applicants' amendment.
4. Objection to Claims 1-17 has been withdrawn in view of Applicants' amendment.
5. Applicants' arguments with respect to Claims 1-17 have been considered but they are not persuasive. Bown et al (Prior art of record) disclose modifying the digital image by the transformation routine 32 depicted in Figures 3 and 4. One of the functions of the transformation routine is scaling the digital image that will result in a modified image with lower resolution (spatial resolution) than the original image (Column 6, Lines 47-60).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5, 7-12, 14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bown et al (U.S. 4,414,621).

Regarding Claim 1, Bown et al disclose in a distributed network, a method of recursively linking a multiply modified multimedia asset to a digital negative of the multimedia asset, comprising:

(a) modifying the digital negative of the multimedia asset to form a first resultant multimedia asset including at least a digital image that is at a lower resolution than the digital negative (Figures 1-4; Column 3, Lines 33-50; Column 6, Lines 47-60);

(b) generating a first edit list based upon the modification of the digital negative (Figures 1 and 2; Column 3, Lines 50-59; Column 4, Lines 10-67);

(c) associating the first edit list to the first resultant multimedia asset (Figures 1 and 2; Column 3, Lines 50-59);

(d) linking the first edit list to the digital negative of the multimedia asset (Figures 1-5; Column 1, Lines 67-68, Column 2, Lines 1-43; Column 4, Lines 22-66; Column 6, Lines 1-8);

(e) modifying the first resultant multimedia asset to form a second resultant multimedia asset (Figures 1-5; Column 2, Lines 3-21; Column 2, Lines 63-68, Column 3, Lines 1-9; Column 3, Lines 54-59; Column 4, Lines 65-68; Column 5, Lines 1-15. The multimedia asset (e.g., a visual picture) does not remain static; any user can add to or modify the picture, and these changes are communicated to all others. The second user interaction will result in modifying the first resultant multimedia asset to a second resultant multimedia asset.);

(f) generating a second edit list based upon the modification of the first resultant multimedia asset (Figures 1 and 2; Column 3, Lines 50-59; Column 4, Lines 10-67);

(g) associating the second edit list to the second resultant multimedia asset (Figures 1 and 2; Column 3, Lines 50-59); and

(h) linking the second edit list to the first resultant multimedia asset (Figures 1-5; Column 1, Lines 67-68, Column 2, Lines 1-43; Column 4, Lines 22-66; Column 6, Lines 1-8).

Regarding Claim 2, further disclose a method as recited in Claim 1, wherein the multimedia asset is the digital image (Figures 1 and 2; Column 2, Lines 63-68, Column 3, Lines 1-9; Column 3, Lines 43-50).

Regarding Claim 3, Bown et al further disclose a method as recited in Claim 1, wherein the linking of the first edit list to the digital negative comprises:

associating a first edit list pointer with the digital negative wherein the first edit list pointer points back to the first edit list (Figures 1-5; Column 4, Lines 65-68, Column 5, Lines 1-6; Transition Table within processor 18; Column 6, Lines 1-8).

Regarding Claim 5, Bown et al further disclose a method as recited in Claim 1, wherein the linking of the second edit list to the first resultant multimedia asset comprises:

associating a second edit list pointer to the second resultant digital image wherein the second edit list pointer points back to the second edit list (Column 2, Lines 63-68, Column 3, Lines 1-9; Figures 1-5; Column 4, Lines 65-68, Column 5, Lines 1-6; Transition Table within processor 18; Column 6, Lines 1-8).

Regarding Claim 7, Bown et al further disclose a method as recited in Claim 1, further comprising:

recursively repeating (e) - (h) to form a set of hierarchically layered resultant multimedia assets and an associated set of hierarchically layered edit lists, wherein a particular multimedia asset at an nth level of the set of hierarchically layered multimedia assets is an nth multiply modified multimedia asset (Figures 1-5; Column 2, Lines 3-21; Column 2, Lines 63-68, Column 3, Lines 1-9; Column 3, Lines 54-59; Column 4, Lines 65-68; Column 5, Lines 1-15. The multimedia asset (e.g., a visual picture) does not remain static; any user can add to or modify the picture, and these changes are communicated to all others. The second user interaction will result in modifying the first resultant multimedia asset to a second resultant multimedia asset.); and

applying a set of n hierarchically layered edit lists to the digital negative to form the particular multimedia asset (Figures 1-5; Column 4, Lines 65-68, Column 5, Lines 1-6; Transition Table within processor 18; Column 6, Lines 1-8).

Regarding Claim 8, Bown et al further disclose a method as recited in Claim 7, wherein the applying a set of n hierarchically layered edit list to the digital negative is performed by a processor arranged to perform executable instructions (Figure 1, Processor 12; Column 3, Lines 10-59).

Regarding Claim 9, Bown et al further disclose a method as recited in Claim 8, wherein the processor is included in a host computer coupled to a distributed network of computers (Figure 1, Processor 12; Column 3, Lines 10-59).

With regards to Claim 10, arguments analogous to those presented for Claim 1 are applicable to Claim 10.

With regards to Claim 11, arguments analogous to those presented for Claim 2 are applicable to Claim 11.

With regards to Claim 12, arguments analogous to those presented for Claim 3 are applicable to Claim 12.

With regards to Claim 14, arguments analogous to those presented for Claim 5 are applicable to Claim 14.

With regards to Claim 16, arguments analogous to those presented for Claim 7 are applicable to Claim 16.

With regards to Claim 17, arguments analogous to those presented for Claim 8 are applicable to Claim 17.

With regards to Claim 18, arguments analogous to those presented for Claim 9 are applicable to Claim 18.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4, 6, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bown et al (U.S. 4,414,621).

Regarding Claim 4, Bown et al do not explicitly disclose a method as recited in Claim 1, wherein the linking of the second edit list to the digital negative comprises:
embedding the first edit list in the first resultant multimedia asset.

Embedding information in a digital image (e.g., watermarking) is well known in image processing (Official Notice).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Bown et al invention to embed the first edit list in the first resultant digital image because it is a well known procedure routinely implemented in image processing (e.g., watermarking) for authentication and secure data transmission.

With regards to Claim 6, arguments analogous to those presented for Claim 4 are applicable to Claim 6 concerning embedding the second edit list in the second resultant digital image.

With regards to Claim 13, arguments analogous to those presented for Claim 4 are applicable to Claim 13.

With regards to Claim 15, arguments analogous to those presented for Claim 6 are applicable to Claim 15.

Other Prior Art Cited

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,577,311 to Crosby et al is cited for techniques for automatically providing a high-resolution rendering of a low-resolution digital image in a distributed network.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehrdad Dastouri whose telephone number is (703) 305-2438. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEHRDAD DASTOURI
PRIMARY EXAMINER

A handwritten signature in black ink, reading "Mehrdad Dastouri", written in a cursive style.

Mehrdad Dastouri
Primary Examiner
Group Art Unit 2623
September 3, 2003